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June 14, 2012

VIA ECF

Honorable Joan M. Azrack  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Local #46 Funds, et al v Aggregates Plus Ltd., et al  
09-CV-2615 (JMA)  
and  
Cement and Concrete Workers, et al. v. Aggregates Plus Ltd., et al.  
09-CV-2616 (JMA)

Dear Judge Azrack:

We represent the Plaintiffs in the above captioned matters. We are writing on behalf of the Plaintiffs and surety. We were unable to secure a response from Aggregates Plus Ltd. This letter constitutes a status report as requested by the Court in its Order of May 30, 2012.

The surety Defendant and the Plaintiffs have settled and the settlement is being formalized. Aggregates Plus Ltd. previously has agreed in principal with the Plaintiffs; however, the conclusion of that arrangement has not been reached. No factual matters are in dispute. Given the apparent insolvency of Aggregates Plus Ltd., we are attempting to finalize a sensible conclusion with them.

Because we have not been able to file a final Stipulation and Order of Settlement and Discontinuance, we request the Court schedule a status report date within the next 2 weeks. If this additional status report does not produce a conclusion, we shall seek an in court conference with a request to proceed by summary motion.

Thank you for your consideration of this request.

Respectfully,

/s/  
JOSEPH S. KAMING

JSK:jm

cc: Neil Galfunt, Esq.  
John Wojak, Esq.